

all Pennsylvania electors. See 25 P.S. §§3150.11–3150.17.

This change was a significant development that made it easier for all Pennsylvanians to exercise their right to vote and brought the state in line with the practice of dozens of other states.

Under Act 77, voters had until October 27, 2020, to request a mail-in ballot for this year's November 3rd General Election. 25 P.S. §3150.12a(a).

Act 77 set 8:00 p.m. on Election Day as the due date for returning those ballots to the county boards of elections. 25 P.S. §3150.16.

The Election Code provides for a variety of safeguards to ensure the integrity of this process. See 25 P.S. §3146.8(g)(3); 25 P.S. §3146.2c; 25 P.S. §3146.8 (g)(4); 25 P.S. §3150.12b(a)(2).

The presidential election results were certified, and Pennsylvania Governor Tom Wolf signed the Certificate of Ascertainment on November 24, 2020, long in advance of the required date to fall under the "Safe Harbor" provision of three-day the governing Electoral Count Act of 1887, 3 U.S.C. §5, making the certification of Pennsylvania's electors conclusive.

Madam Speaker, multiple challenges were made to the certification of Pennsylvania's electors, all of which were rejected by both state and federal courts.

First, there is no merit or truth to the claim that the Pennsylvania Secretary of State "abrogated" the mandatory signature verification requirement for absentee or mail-in ballots. See *In re Nov. 3, 2020 Election*, 240 A.3d 591, 610 (Pa. 2020) (Election Code does not authorize county election boards to reject mail-in ballots based on an analysis of a voter's signature. "[A]t no time did the Code provide for challenges to ballot signatures.").

Far from usurping any legislative authority, the Pennsylvania Supreme Court refused "to rewrite a statute in order to supply terms which [we]re not present therein." *Id.* at 14.

A federal judge reached the same result. See *In Donald Trump for President, Inc. v. Boockvar*, 2020 WL 5997680, at *58 (W.D. Pa. Oct. 10, 2020) ("[T]he Election Code does not impose a signature-comparison requirement for mail-in and absentee ballots.").

Second, there is a similar lack of merit and truth to the claim that certain Pennsylvania county boards of elections did not grant pollwatchers access to the opening, counting, and recording of absentee and mail-in ballots. See *In re Canvassing Observation*, A.3d ___, 2020 WL 6737895, *8–9 (Pa. 2020) (holding that state law requires candidate representatives to be in the room but the viewing distance is committed to the county boards, which, in that case, was reasonable); *Trump for President, Inc. v. Sec'y of Pennsylvania*, 2020 WL 7012522, at *8 (3d Cir. Nov. 27, 2020) (affirming dismissal of poll-watcher claim, in part, because the Trump Campaign "has already raised and lost most of these state-law issues, and it cannot relitigate them here.").

Third, there is no basis to a claim that certain Pennsylvania counties adopted differential standards favoring voters in Philadelphia and Allegheny Counties with the intent to favor former Vice President Biden.

This claim was raised and dismissed in *Trump v. Boockvar*, 4:20—cv—02078 (M.D. Pa. Nov. 18, 2020) because those charges

were backed by neither specific allegations nor evidence. *Trump for President, Inc. v. Sec'y of Pennsylvania*, 2020 WL 7012522, at *8 (3d Cir. Nov. 27, 2020).

Fourth, that certain counties permitted voters to cure minor defects in mail-in ballots was permissible under Pennsylvania law because minor defects—such as a failure to handwrite the voter's name and/or address on the declaration—did not, in fact, void the ballot. See *In re Canvass of Absentee & Mail-in Ballots of November 3, 2020 Gen. Election*, 29 WAP 2020, A.3d ___, 2020 WL 6866415, *15 (Pa. Nov. 23, 2020) ("We have conducted that analysis here and we hold that a signed but undated declaration is sufficient and does not implicate any weighty interest. Hence, the lack of a handwritten date cannot result in vote disqualification."); *Trump v. Boockvar*, 2020 WL 6821992, *12 (M.D. Pa. 2020) ("it is perfectly rational for a state to provide counties discretion to notify voters that they may cure procedurally defective mail-in ballots"), *aff'd* 2020 WL 7012522.

Fifth, there was no state law violation when the Pennsylvania Supreme Court temporarily modified the deadline for the receipt of mail-in and absentee ballots, because state constitutional law required it. See *Pa. Democratic Party v. Boockvar*, 238 A.3d 345, 369–72 (Pa. 2020).

Nothing in the Elections Clause of Article I "instructs, nor has the Pennsylvania Supreme Court ever held, that a state legislature may prescribe regulations on the time, place, and manner of holding federal elections in defiance of provisions of the State's constitution." *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 576 U.S. 787, 817–18 (2015) (AIRC). The same is true for the Electoral Clause in Article II.

Sixth, there is no truth to the claim that Pennsylvania "broke its promise to the U.S. Supreme Court to segregate ballots and commingled illegal late ballots."

The Pennsylvania Secretary of State had already instructed that all ballots received during the three-day period be segregated and counted separately and Justice Alito adopted these instructions by the Secretary as an order of the Court.

The Pennsylvania county boards of elections complied with that order; qualified ballots received during the three-day extension were segregated and counted separately.

The number of such ballots is too small to change the outcome of any federal election in Pennsylvania.

Finally, there is nothing sinister, surprising, or fraudulent in the fact that late-counted mail-in ballots eviscerated Trump's temporary lead in the popular vote by disproportionately favoring Vice-President Biden.

The votes counted before 3 a.m. and those counted afterwards were indisputably not "randomly drawn" from the same population of votes, as those counted earlier were predominantly in-person votes while those counted later were predominantly mail-in votes.

Even the proponents of this bogus challenge to Pennsylvania's electors admit that Democratic voters voted by mail at two to three times the rate of Republicans.

Both this fact and the expectation that it would result in a shift in President-Elect Biden's favor as mail-in votes were counted were widely reported months ahead of the election.

Madam Speaker, as I noted at the outset, we are here today to exercise a duty imposed on Members of the House and the Senate by the Constitution and laws of the United States.

But it is true that although we are called upon to bear witness to the counting of electoral votes, our role is not confined to passive observation.

The Constitution and the law, specifically Section 15 of the Electoral College Act, 3 U.S.C. §1 et seq., authorizes Representatives and Senators to object to the counting of any vote cast by an elector if in their judgment the vote was not "regularly given" or the person casting the vote was not "lawfully certified" as an elector.

The Constitution devolves this solemn duty upon the people's representatives, the Congress, because the linchpin of representative democracy is public confidence in the political system, regime, and community.

That confidence in turn rests upon the extent to which the public has faith that the system employed to select its leaders accurately reflects its preferences.

At bottom, this means that all citizens casting a vote have a fundamental right and reasonable expectation that their votes count and are counted.

For these reasons, I owe it to my constituents and to the American people to consider each electoral vote certificate as it is presented and accept those that appear to be meritorious.

Were any electoral vote certificate not to satisfy the statutory requirement that the votes reflected on the lists were "regularly given" by "lawfully certified" electors I would oppose it.

But that is not the case before us because the votes before us were regularly given by lawfully certified electors, whose status was resolved, where need be, at least six days before the meeting of electors pursuant to laws that were in place before the election as required by Section 5 of the Electoral Count Act, 3 U.S.C. §5.

That means the validity of their appointment is conclusive and their vote preferences binding on us.

For this reason, I oppose the objections raised and accept the final vote tally that will be announced by the President of the Senate at its conclusion, and in doing so will be keeping faith with the admonition and prayer made by President Lincoln over the graves of patriots that "government of the people, by the people, for the people, shall not perish from the earth."

CONGRATULATING BOULDER
COUNTY COMMISSIONER ELISE
JONES ON HER RETIREMENT

HON. JOE NEGUSE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 2021

Mr. NEGUSE. Madam Speaker, today I wish to recognize the accomplishments of an incredible public servant, County Commissioner Elise Jones.

Commissioner Jones has proudly served as a Boulder County Commissioner since 2013, and has shown throughout her impressive career a passion for helping those in need. She has fought for social justice and advocated for

measures that would help combat climate change and protect our treasured public lands and open spaces. During her time as a County Commissioner, she also represented Boulder County on the Denver Regional Council of Governments, and as the Representative to the Statewide Transportation Advisory Committee. She has served as a member of the Metro Area County Commissioners, which she chaired in 2016, and was recently appointed by the Governor of Colorado to the Colorado Air Quality Control Commission. In this latter position, Commissioner Jones has been able to utilize her extensive experience to fight for cleaner air for all Coloradans. She has helped her community through countless disasters, including the 2013 flooding, historic wildfires, and the immense challenges posed by the COVID-19 pandemic this year, and I am thankful for her leadership.

I am grateful that Commissioner Jones plans to continue her environmental work.

While she leaves enormously big shoes to fill, her legacy will not be forgotten. On behalf of the people of Colorado's 2nd Congressional district, I would like to express my deepest gratitude for her service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Friday, January 8, 2021 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 12

9:30 a.m.

Committee on Armed Services

To hold hearings to examine civilian control of the Armed Forces.

SD-G50